



Attorney Docket No. 1316.1041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yong-Hoon LEE et al.

Application No.: 09/513,687

Group Art Unit: 1774

Filed: February 25, 2000

Examiner: L. Ferguson

For: OPTICAL DISC

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the Office Action mailed August 27, 2001, having a shortened period for response set to expire on November 27, 2001, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, claims 1 through 30 in response to the preliminary restriction requirement set forth in the Office Action.

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II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 31 through 38 are so closely related to elected claims 1 through 30 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at some later date. The elected claims 1 through 30 are directed to an optical disc and claims 31 through 38 are drawn to the method of making the optical disc. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the

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product and method claims, it is believed that classification is not conclusive on the question of

restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group II claims is directed to the making of the product recited in the elected claims 1 through 30, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

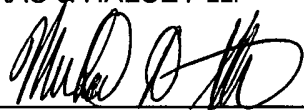
If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/27/01

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